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July 16, 1999

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: *In the Matter of Truth-in-Billing and Billing Format, Further Notice of Proposed Rulemaking, CC Docket 98-170*

Dear Ms. Salas:

Enclosed for filing are the original and four (4) copies of Qwest Communications Corporation's Reply Comments in the above-referenced proceeding.

Please acknowledge receipt of this filing by date stamping the enclosed copy included for this purpose. If you have any questions regarding this filing, please contact me at (703) 363-3131.

Sincerely,

Teresa K. Gaugler
Federal Regulatory Attorney

Enclosure

cc: ITS, Inc.

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| In the Matter of |) | |
| |) | |
| Truth-in-Billing |) | |
| and |) | CC Docket No. 98-170 |
| Billing Format |) | |
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REPLY COMMENTS OF QWEST COMMUNICATIONS CORPORATION

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July 16, 1999

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INTRODUCTION

Qwest Communications Corporation ("Qwest") hereby submits its reply comments in response to the Federal Communication Commission's ("FCC's" or "Commission's") *Further NPRM* in the above-referenced proceeding.¹

Qwest urges the Commission to abandon its decision to mandate standardized labels for charges associated with federal regulatory action because such a rule imposes unnecessary costs on carriers without a commensurate benefit to consumers. If the Commission decides to maintain this decision, Qwest agrees with US WEST's proposal that the Commission adopt a group of "approved terms" from which a carrier may select labels for such charges. Approving several terms for each charge would allow many carriers to maintain their current labels and thus not incur costs to implement the Commission's rules. Finally, when evaluating the proposed labels, the Commission should be mindful of the field length limitations of some carriers' billing systems.

¹ *In the Matter of Truth-in-Billing and Billing Format*, CC Docket No. 98-170, *First Report and Order and Further Notice of Proposed Rulemaking* (rel. May 11, 1999) ("*Further NPRM*").

Specifically, certain LEC billing systems do not allow labels of more than 12 characters (including spaces). Because Qwest and other carriers who utilize third-party billing do not have control over this limitation, the Commission should allow carriers to abbreviate terms within the label or adopt abbreviations of 12 characters or less (including spaces).

DISCUSSION

I. THE COMMISSION SHOULD NOT MANDATE STANDARDIZED LABELS FOR CHARGES RESULTING FROM FEDERAL REGULATORY ACTION.

Qwest supports comments filed by parties urging the Commission not to mandate standardized labels for line item charges to recover costs incurred as a result of federal regulatory action. If the Commission mandates such labels at this time, it will impose costs on carriers without a commensurate benefit to consumers.² Carriers have already incurred costs in educating customers about these charges and in implementing their current labels in their billing systems. Requiring carriers to now change those labels in favor of labels selected by the Commission will impose additional costs on carriers and likely cause customer confusion as consumers wonder whether the charge is a new charge or just a relabelled charge that they have already been paying.

As several commenters point out, there is no principled basis for the Commission to determine that one innocuous label is more clear or accurate than another.³ Therefore, the Commission's selection of one specific label out of the myriad of acceptable options would be arbitrary. Furthermore, Qwest agrees with MCI Worldcom that the

² Sprint comments at 1; Time Warner comments at 2.

³ Time Warner comments at 2-4; US WEST comments at 2-3.

Commission's rules prohibiting "ambiguous or vague" descriptions adequately protect consumers from vague or misleading labels.⁴ The Commission's rules already mandate that carriers must provide a "brief, clear, non-misleading, plain language description" of all charges.⁵ Therefore, there is no need for the Commission to go beyond this clear requirement and mandate specific language for these charges. The Commission can address consumer complaints about possibly vague or misleading line item descriptions through its enforcement process. Addressing outliers in this way would place costs of compliance only on those carriers that have elected to use untruthful or misleading labels while imposing no costs on other carriers. Qwest submits this approach rewards those carriers that have implemented line item labels that are already truthful and non-misleading, while punishing those carriers that have not done so.

II. IF THE COMMISSION MAINTAINS ITS DECISION TO MANDATE LABELS FOR THESE CHARGES, IT SHOULD BE MINDFUL OF THE COSTS INCURRED BY CARRIERS TO DO SO AND THE LIMITATIONS IN CARRIERS' CURRENT BILLING SYSTEMS.

Qwest agrees with US WEST that the Commission should create a group of "approved terms" from which carriers may choose terminology to label and/or describe these federal regulatory charges.⁶ In this way, consumers would continue to be protected in that they would receive bills with clear and accurate line item descriptions. At the same time, carriers whose current labels fell within the acceptable parameters would not incur costs involved with changing their current labels. Qwest believes this approach best

⁴ MCI Worldcom comments at 6.

⁵ 47 CFR § 64.2001(b).

⁶ US WEST comments at 3.

balances the Commission's objectives in this proceeding of protecting consumers while minimizing the cost to carriers of implementing billing changes.

Should the Commission maintain its decision to mandate standardized labels, Qwest urges the Commission to be mindful of the limitations in third-party billing systems utilized by many carriers as it evaluates proposed labels. In the *Further NPRM*, the Commission tentatively concluded that its proposed labels are "sufficiently succinct such that most carriers will be able to use them without requiring that they modify the field lengths of their current billing systems."⁷ Qwest submits that if the Commission plans to mandate use of a specific label, it must ensure that all carriers are able to do so without incurring a disproportionate amount of costs.

Qwest, like other carriers that utilize third-party billing, is limited by the capabilities of those systems and has no control over field length limitations. Specifically, the LEC billing systems have character limitations for a text message that range from 12 to 37 characters per line item. In some cases, a LEC billing system is capable of handling no more than 12 characters. In other cases, although the LEC system can accommodate more than 12 characters, the service provider (such as Qwest) is limited to 12 characters as a practical matter. This is because a line item with more than 12 characters may cause the last word on the line to be cut off in the middle and continued on the following line. Qwest's experience is that customers have been confused by this awkward two-line description. This confusion clearly disserves those customers, imposes costs on carriers in responding to those callers, and potentially

⁷ *Further NPRM* ¶ 71.

damages the carrier's relationship with those customers. Therefore, for most LEC billing, Qwest has been effectively limited to the 12-character one-line description in order to minimize customer confusion.

Because each of the Commission's proposed labels would exceed the 12-character field length, Qwest strongly supports Cable and Wireless's recommendation that the Commission either allow carriers to use acceptable abbreviations of terms within the mandated label or that the Commission adopt a standard abbreviation of 12 characters or less (including spaces) for each label that exceeds 12 characters.⁸

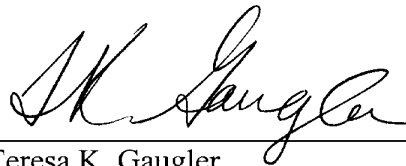
⁸ Cable and Wireless comments at 2-3.

CONCLUSION

For the reasons stated above, the Commission should not mandate standardized labels for charges related to federal regulatory action. If it chooses to maintain this decision, Qwest urges the Commission to minimize the costs associated with such a rule by adopting a group of "approved terms" rather than one specific label. Furthermore, because many of the third-party billing systems are limited to 12-character field lengths, the Commission should either allow carriers to abbreviate terms within the label or adopt acceptable abbreviations consisting of 12 characters or less.

Respectfully submitted,

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July 16, 1999

I, Douglas C. Nelson, hereby certify that on this sixteenth day of July, 1999, a copy of the foregoing Reply Comments of Qwest Communications Corp. was served on the parties listed below via hand delivery (indicated by "**") or first class mail, postage pre-paid.

A handwritten signature in dark ink, appearing to read 'D. C. Nelson', written over a horizontal line.

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